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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 JOSE RENE LOPEZ,
10 Plaintiff,

11 v.

12 WASHINGTON STATE DEPARTMENT OF
13 CORRECTIONS,
14 Defendant.

Case No. C08-5027 FDB

ORDER ADOPTING REPORT AND
RECOMMENDATION DISMISSING
PLAINTIFF'S COMPLAINT

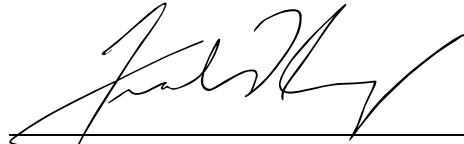
15 This matter comes before the Court on the recommendation of the Magistrate Judge that
16 Plaintiff's claims be dismissed without prejudice for failure to state a 42 U.S.C. § 1983 claim. As
17 detailed in the Report and Recommendation, Plaintiff has been given numerous opportunities to cure,
18 if possible, the deficiencies in his complaint. Plaintiff has failed to take advantage of this opportunity.
19 Plaintiff also has not filed an objection to the Report and Recommendation.

20 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L.
21 Strombom and the remaining record, does hereby find and ORDER:

- 22 (1) The Court adopts the Report and Recommendation;
23 (2) Plaintiff's Amended Complaint [Dkt. # 3] is **dismissed without prejudice and this**
24 **dismissal shall count as a strike pursuant to 28 U.S.C. 1915 (g); and**
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1 (3) The Clerk is directed to send copies of this Order to Plaintiff, and to the Hon. Karen
2 L. Strombom.

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4 DATED this 29th day of May, 2008.

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7 FRANKLIN D. BURGESS
8 UNITED STATES DISTRICT JUDGE
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